

UNITED STATES DISTRICT COURT **FILED**for the
Eastern District of Tennessee

MAR 30 2015

In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)THE PROPERTY AND ITS CURTILAGES, OUTBUILDINGS,
APPURTENANCES, ATTACHED AND DETACHED GARAGES AND/OR
SHEDS AND/OR VEHICLES WHICH ARE LOCATED AT 103 W CONVERSE
ST., APT #6, MORRISTOWN, TENNESSEE 37814 (a photograph of the
residence is attached hereto in Attachment A and fully incorporated herein.)Clerk, U. S. District Court
Eastern District of Tennessee
At Greenville
Case No. 2:16-MJ- 68**APPLICATION FOR A SEARCH WARRANT**

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that there is now concealed on the following person or property located in the Eastern District of Tennessee (identify the person or describe property to be searched and give its location):

See Attachment A

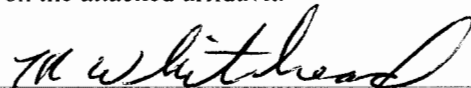
The person or property to be searched, described above, is believed to conceal (identify the person or describe the property to be seized):

See Attachment B.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
☒ contraband, fruits of crime, or other items illegally possessed;
☒ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of 18 U.S.C. § 1028A, and the application is based on these facts: See the Affidavit of Special Agent Thomas Whitehead, USSS, which is attached hereto and fully incorporated herein.

☐ Continued on the attached sheet.☐ Delayed notice of days (give exact ending date if more than 30 days:) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached affidavit.
Applicant's signatureSpecial Agent Thomas Whitehead, USSS
Printed name and title

Sworn to before me and signed in my presence.

Date: 3/30/16City and state: Greeneville, TennesseeDENNIS INMAN, United States Magistrate Judge
Printed name and title

ATTACHMENT A

DWELLING/PROPERTYNEHICLES TO BE SEARCHED

a. Residence located 103 W Converse St., Apt #6, Morristown, TN 37814.

The residence is an apartment. The residence has a red brick exterior with a parking area in front. The front door of the residence is white, has a black in color number "6" on it and has a white storm door. The residence has white shutters.

b. Vehicles to be searched: SUBJECT VEHICLES: a 2006 Ford Explorer, tag number: N9019Z, VIN: 1FMZU63K95UB89657 and a 2006 Chevrolet truck, tag number: V4246T, VIN: IGCCS196048140755.

c. Any out buildings associated with SUBJECT Premises.



ATTACHMENT B
THE ITEMS TO BE SEIZED

Based on the Affidavit, I respectfully submit that there is probable cause to believe that the following items, which constitute evidence of violations of Title 18 U.S.C. 1028A, and Title 42 U.S.C. 408(a)(7)(C)(8): , will be found at the Premises to be searched.

- a. Social Security cards and Social Security numbers, United States birth certificates, letters or writings made to appear to have been created or issued by the United States Government or other official entities, counterfeit Government identification documents. The aforementioned documents, based on my training and experience are stored in areas such as: filing cabinets, desk drawers, safes, brief cases, media including cell phones, and any place that a reasonable person would believe a document could be stored.
- b. Official or Fraudulent United States seals, stamps, and insignia of the Social Security Department of the United States Government.
- c. Applications for government identity documents, handwritten notes and messages relating to social security numbers and/or social security number holders.
- d. Keys and records which tend to indicate ownership or control of the premises, such as rental applications, utility bills, and addressed mail for the
SUBJECT PREMISES.

e. Identification documents and identifying information, including names, addresses, dates of birth, Social Security numbers, passwords, address books, Rolodexes, ledgers and other listings of identification information for any individual supporting identity theft and gaining unlawful employment in the United States.

f. As used above, the terms records, documents and materials includes records, documents and materials created, modified or stored in any form.

g. Lastly, any and all documents detailing previous and ongoing identity theft committed by Guillermo Cruz MENDOZA to gain employment unlawfully and to facilitate unlawful residence in the United States.

MAR 30 2015

THE Clerk, U. S. District Court
Eastern District of Tennessee
At Greeneville

In the Matter of the Search of the)
MENDOZA Residence:)
103 W Converse St, Apt 6, Morristown, TN)

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

I, Special Agent Thomas Whitehead, being duly sworn, depose and state the following:

I. INTRODUCTION

1. I am a Special Agent with the U.S. Secret Service (USSS), currently assigned to the Greeneville Domicile Office, Greeneville, TN. I have been employed as a federal law enforcement agent since February 2003. As a Special Agent, I have been involved with numerous criminal investigations to include credit card fraud, bank fraud, access device fraud, identity theft, wire fraud, money laundering and various other crimes. I have executed many arrests, search and seizure warrants in my years as a Special Agent. The following facts are known to me and or to agents of the USSS and/or Homeland Security Investigations (HSI) and the Tennessee Highway Patrol – Criminal Investigations Division. As a federal agent, I am authorized to investigate violations of the laws of the United States and to execute warrants issued under the authority of the United States. The facts in this affidavit come from information obtained in the course of an ongoing investigation.² This investigation concerns alleged violations of Title 18 U.S.C.

1028A, Aggravated Identity Theft: In general, whoever, during and in relation to any felony violation enumerated in subsection (C), knowingly transfers, possesses, or uses, without lawful authority, a means of identification of another person shall, in addition to the punishment provided for such felony, be sentenced to a term of imprisonment of two years; Title 42 U.S.C. 408(a)(7)(C)(8), Misuse of Social Security Card: Whoever knowingly alters a social security card issued by the Commissioner of Social Security, buys or sells a card that is, or purports to be, a card so issued, counterfeits a social security card, or possesses a social security card or counterfeit social security card with the intent to sell or alter it; or discloses, uses, or compels the disclosure of the social security number of any person in violation of the laws of the United States; Title 18 U.S.C. 1028 (7), Identity Theft: Whoever knowingly transfers, possesses, or uses, without lawful authority, a means of identification of another person with the intent to commit, or aid or abet, or in connection with, any unlawful activity that constitutes a violation of federal law, or that constitutes a felony under any applicable state or local law; and Title 18, United States Code, Section 1028 (a) (4), Identity Theft: Whoever knowingly possesses an identification document (other than the one issued lawfully for the use of the possessor), authentication feature, or a false identification document, with the intent such document or feature be used to defraud the United States.

II. BACKGROUND INFORMATION ON PROCEDURES FOR OBTAINING A SOCIAL SECURITY CARD

3. Based upon my conversation with other agents with training and experience in the issuance of Social Security cards, I know that the legal procedures for obtaining a Social Security card are as follows:

- a. Service Representatives employed by the Social Security Administration are responsible for interviewing applicants for Social Security numbers ("SSNs"), checking the applicants' identity documents, determining eligibility for a SSN, and issuing Social Security cards;
- b. All individual applicants for a SSN must complete a form known as a SS-5, Application for a Social Security number. Non-citizens of the U.S. must go in person to a SSA office to apply, and must provide the United States Citizenship & Immigration Services (USCIS) documentation establishing lawful residence and proof of identity. This information is provided to the SSA employee by the applicant and is recorded on the application form;
- c. In the case of non-citizens, a SSA Service Representative must verify the A-numbers of all USCIS documentation provided as proof of lawful residence in the U.S. The verification is done by querying the alien registration number ("A-number") in the Central Index System database, which is accessible through the computer terminal of the SSA employee;

d. After the USCIS information is verified, the application is then entered into the SSA database and a SSN is generated. The Social Security card is then automatically mailed from Baltimore, Maryland, to the mailing address provided by the applicant. The applicants' personal identifying information is maintained within the Social Security database.

III. FACTS ESTABLISHING PROBABLE CAUSE

4. On or about March 23, 2016, the USSS received information from Tennessee Highway Patrol, Criminal Investigations division (THP-CID) Sergeant Kevin Kimbrough regarding ongoing identity theft of a U.S. Citizen. Sergeant Kimbrough advised that he was contacted by Morristown Police Department (MPD) Detective Phil Hurst. Det. Hurst advised that during the course of an investigation, MPD Detectives had discovered that Guillermo Cruz MENDOZA, was involved in Identity Theft. Det. Hurst also stated that Guillermo Cruz MENDOZA was using a social security number belonging to Nellie MALAVET-KING, who resides in Suarez Villalba, PR. Det. Hurst provided Sergeant Kimbrough with 3 documents (W-4, I-9 and a photo copy of social security card and permanent resident card) detailing the employment of Guillermo Cruz MENDOZA at Wild Building Construction in Morristown, TN and using the social security number XXX-XX-9825.

5. Sergeant Kimbrough conducted a query of law enforcement databases using the social security number of XXX-XX-9825. The results revealed that this social security number belongs to Nellie MALAVET-KING, who resides in Suarez Villalba, PR.

6. On March 25, 2016 I received information from Homeland Security Investigation (HSI) SA Travis Carrier regarding the social security number that Guillermo Cruz MENDOZA had utilized to gain employment and Wild Building Construction, Morristown, TN. HSI SA Carrier stated that Social Security Administration Office of Inspector General (SSA OIG) SA Thomas Goldman had confirmed that the social security number that Guillermo Cruz MENDOZA (XXX-XX-9825) had used was assigned to Nellie MALAVET-KING.

7. On March 28, 2016 I received information from HSI SA Travis Carrier regarding the Permanent Resident Alien card (#095354119) that Guillermo Cruz MENDOZA provided to Wild Building Construction, Morristown, TN for employment purposes. HSI SA Carrier stated that number was assigned to Prema Sankaranarayanan not Guillermo Cruz MENDOZA.

8. It has been determined through previous investigations by the U.S. Secret Service that illegal aliens do not keep the actual/authentic documents on their person. It has been learned that illegal aliens keep these documents secured and/or hidden at their residence and generally carry other fraudulent documents on their

person to keep the authentic documents from being seized from law enforcement upon an encounter with law enforcement. MENDOZA has stolen and utilized the identity of MALA VET -KING. MENDOZA is now in the possession of MALAVET-KING's identification documents and believed to be stored at the SUBJECT PREMISES. HSI Investigations has been unable to determine if MENDOZA'S identity is authentic. HSI databases did not reveal an existing A number or any previous physical contacts at the U.S Border with MENDOZA.

9. On March 28, 2016, I received information from Sergeant Kimbrough that MPD Detectives had conducted surveillance at 103 W. Converst St., Apt 6, Morristown, Tennessee, (hereinafter referred to as SUBJECT PREMISES) within the last two weeks to further identify that MENDOZA is residing at this location. MPD Detectives stated that they had witnessed MENDOZA leaving the residence early in the morning to go to work. MPD Detectives provided two vehicles that MENDOZA drives; 2005 White Ford Explorer, tag number: N9019Z and a 2006 White Chevrolet truck, tag number: V 4246T. Continuing on this date I observed the 2004 White Chevrolet truck parked in front of MENDOZA's apartment. Vehicles listed previously are (hereinafter referred to as SUBJECT VEHICLES).

10. Based on my experience and training, illegal aliens that are engaged in aggravated identity theft present the stolen identities to their employers upon being initially hired. Generally those authentic documents are then kept at the illegal alien's residence and that identity is only used for the purpose of working at that

particular employer. These identities belong to U.S. Citizens and are purchased from illegal aliens who are engaged in the production of fraudulent U.S.

Government identification documents and the theft of authentic U.S. documents such as but not limited to U.S. Social Security Cards and U.S. birth certificates.

Based on my training and experience and this investigation, I believe Guillermo Cruz MENDOZA maintains such documents at the SUBJECT PREMISES.


Specifically with this investigation, it has been established Guillermo Cruz MENDOZA used the social security number of Nellie MALA VET-KING XXXXX-9825 to gain unlawful employment at Wild Building Construction, Morristown, TN. It has also been established that Guillermo Cruz MENDOZA made false claims of U.S. Citizenship Title 18 U.S.C. 911 to unlawfully gain employment with Wild Building Construction, Morristown, TN.

IV. CONCLUSION

14. Based on the aforementioned factual information and experience, your affiant respectfully submits that there is probable cause to believe that evidence, fruits, and instrumentalities of violations of Title 18 U.S. C. Section 1028, and Title 42 U.S.C. 408(a)(7)(c)(8) are currently located at the SUBJECT PREMISES.


Special Agent Thomas Whitehead
U.S. Secret Service

Subscribed and sworn before me this 30th day of March, 2016.


~~Clifton L. Corker~~ D.H. INMAN
United States Magistrate Judge

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